

## Fishery Conservation and Management

## § 665.444

(b) Mariana coral reef ecosystem MUS may not be taken by means of poisons, explosives, or intoxicating substances. Possession or use of these materials by any permit holder under this subpart who is established to be fishing for Mariana coral reef ecosystem MUS in the management area is prohibited.

(c) Existing FEP fisheries shall follow the allowable gear and methods outlined in their respective plans.

(d) Any person who intends to fish with new gear not included in this section must describe the new gear and its method of deployment in the special permit application. A decision on the permissibility of this gear type will be made by the Regional Administrator after consultation with the Council and the director of the affected state fishery management agency.

### § 665.428 Gear identification.

(a) The vessel number must be affixed to all fish and crab traps on board the vessel or deployed in the water by any vessel or person holding a permit under §§ 665.13 or 665.424 or that is otherwise established to be fishing for Mariana coral reef ecosystem MUS in the management area.

(b) *Enforcement action.* (1) Traps not marked in compliance with paragraph (a) of this section and found deployed in the coral reef ecosystem management area will be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMFS or an authorized officer.

(2) Unattended surround nets or bait seine nets found deployed in the coral reef ecosystem management area will be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMFS or an authorized officer.

### §§ 665.429–665.439 [Reserved]

### § 665.440 Mariana crustacean fisheries. [Reserved]

### § 665.441 Definitions.

As used in §§ 665.440 through 665.459:

*Crustacean Permit Area 5 (Permit Area 5)* means the EEZ around Guam and the EEZ seaward of points 3 nautical miles from the shoreline of the CNMI.

*Mariana crustacean management unit species* means the following crustaceans:

Local name	English common name	Scientific name
Mahonggang .....	spiny lobster .....	<i>Panulirus marginatus</i> , <i>Panulirus penicillatus</i> . Scyllaridae.
pa'pangpang .....	slipper lobster .....	<i>Ranina ranina</i> .
	Kona crab .....	<i>Heterocarpus</i> spp.
	deepwater shrimp	

### § 665.442 Permits.

(a) *Applicability.* (1) The owner of any vessel used to fish for lobster in Permit Area 3 must have a permit issued for such a vessel.

(2) The owner of any vessel used to fish for deepwater shrimp in Crustacean Permit Area 5 must have a permit issued for that vessel.

(b) *General requirements.* General requirements governing application information, issuance, fees, expiration, replacement, transfer, alteration, display, sanctions, and appeals for permits issued under this section, as applicable, are contained in § 665.13.

(c) *Application.* An application for a permit required under this section shall be submitted to PIRO as described in § 665.13. If the application for a limited access permit is submitted on behalf of a partnership or corporation, the application must be accompanied by a supplementary information sheet obtained from PIRO and contain the names and mailing addresses of all partners or shareholders and their respective percentage of ownership in the partnership or corporation.

### § 665.443 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter and § 665.15, it is unlawful for any person in Crustacean Permit Area 5 to fish for, take, or retain deepwater shrimp without a permit issued under § 665.442.

### § 665.444 Notifications.

(a) The operator of any vessel subject to the requirements of this subpart must:

(1) Report, not less than 24 hours, but not more than 36 hours, before landing, the port, the approximate date and the

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approximate time at which spiny and slipper lobsters will be landed.

(2) Report, not less than 6 hours and not more than 12 hours before off-loading, the location and time that off-loading of spiny and slipper lobsters will begin.

(b) The Regional Administrator will notify permit holders of any change in the reporting method and schedule required in paragraphs (a)(1) and (2) of this section at least 30 days prior to the opening of the fishing season.

**§ 665.445 At-sea observer coverage.**

All fishing vessels subject to §§ 665.440 through 665.445 and subpart A of this

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part must carry an observer when requested to do so by the Regional Administrator.

**§§ 665.446–665.459 [Reserved]**

**§ 665.460 Mariana precious coral fisheries. [Reserved]**

**§ 665.461 Definitions.**

*Mariana precious coral management unit species* means any coral of the genus *Corallium* in addition to the following species of corals:

English common name	Scientific name
Pink coral (also known as red coral) .....	<i>Corallium secundum</i> , <i>Corallium regale</i> , <i>Corallium laauense</i> .
Gold coral .....	<i>Gerardia</i> spp., <i>Callogorgia gilberti</i> , <i>Narella</i> spp., <i>Calyptrophora</i> spp.
Bamboo coral .....	<i>Lepidisis olapa</i> , <i>Acanella</i> spp.
Black coral .....	<i>Antipathes dichotoma</i> , <i>Antipathes grandis</i> , <i>Antipathes ulex</i> .

*Mariana precious coral permit area* means the area encompassing the precious coral beds within the EEZ around the Mariana Archipelago. Each bed is designated by a permit area code and assigned to one of the following four categories:

- (1) Established beds. [Reserved]
- (2) Conditional beds. [Reserved]
- (3) Refugia. [Reserved]
- (4) Exploratory Area.

(i) Permit Area X–P–G includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of Guam.

(ii) Permit Area X–P–CNMI includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of points 3 nautical miles from the shoreline of the CNMI.

**§ 665.462 Permits.**

(a) Any vessel of the United States fishing for, taking, or retaining Mariana precious coral MUS in any Mariana Archipelago precious coral permit area must have a permit issued under § 665.13.

(b) Each permit will be valid for fishing only in the permit area specified on the permit. Precious Coral Permit Areas are defined in § 665.461.

(c) No more than one permit will be valid for any one vessel at any one time.

(d) No more than one permit will be valid for any one person at any one time.

(e) The holder of a valid permit to fish one permit area may obtain a permit to fish another permit area only upon surrendering to the Regional Administrator any current permit for the precious coral fishery issued under § 665.13.

(f) General requirements governing application information, issuance, fees, expiration, replacement, transfer, alteration, display, sanctions, and appeals for permits for the precious coral fishery are contained in § 665.13.

**§ 665.463 Prohibitions.**

In addition to the general prohibitions specified in § 600.725 of this chapter and in § 665.15, it is unlawful for any person to:

(a) Use any vessel to fish for, take, retain, possess or land Mariana precious coral MUS in any Mariana precious coral permit area, unless a permit has been issued for that vessel and area as specified in § 665.13 and that permit is on board the vessel.